



0000099151

BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF AGUA) DOCKET NO.:
CALIENTE SOLAR, LLC, IN CONFORMANCE WITH) L-00000JJ-09
THE REQUIREMENTS OF ARIZONA REVISED) -0279-00145
STATUTES 40-360.03 AND 40-360.06, FOR A)
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY) Case No. 145
AUTHORIZING CONSTRUCTION OF THE AGUA)
CALIENTE SOLAR PROJECT, A 280 MW PARABOLIC)
TROUGH CONCENTRATING SOLAR THERMAL, OR A)
425 MW PHOTOVOLTAIC SOLAR, GENERATING)
FACILITY AND ASSOCIATED TRANSMISSION LINE)
INTERCONNECTING THE GENERATING FACILITY TO)
THE ADJACENT PALO VERDE-NORTH GILA #1)
500KV TRANSMISSION LINE IN YUMA COUNTY)
APPROXIMATELY 10 MILES NORTH OF DATELAND,)
ARIZONA.)

IN THE MATTER OF THE APPLICATION OF) DOCKET NO.:
ARIZONA PUBLIC SERVICE COMPANY, IN) L-00000D-09-
CONFORMANCE WITH THE REQUIREMENTS OF) 0280-00146
ARIZONA REVISED STATUTES 40-360.03 AND)
40-360.06, FOR A CERTIFICATE OF) Case No. 146
ENVIRONMENTAL COMPATIBILITY AUTHORIZING)
CONSTRUCTION OF THE APS Q43 500KV)
TRANSMISSION LINE AND SWITCHYARD)
INTERCONNECTION PROJECT AND ASSOCIATED) Consolidated
FACILITIES INTERCONNECTING TO THE PALO)
VERDE-NORTH GILA #1 AND FUTURE PALO)
VERDE-NORTH GILA #2 500KV TRANSMISSION)
LINES APPROXIMATELY 10 MILES NORTH OF)
DATELAND, ARIZONA (SECTION 34, T5S, R12W,)
G&SRB&M, YUMA COUNTY, ARIZONA))

**PREFILING
MEETING**

At: Phoenix, Arizona

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By: MICHELE E. BALMER

Certified Reporter No. 50489

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1 BE IT REMEMBERED that the above-entitled matter
2 came on regularly to be heard before the Arizona Power
3 Plant and Transmission Line Siting Committee, 1275 West
4 Washington Street, Phoenix, Arizona, commencing at
5 2:05 p.m. on the 14th day of May, 2009.

6

7 BEFORE: JOHN FOREMAN, Committee Chairman

8

9 APPEARANCES:

10 For Agua Caliente Solar, LLC.:

11 MOYES, SELLERS & SIMS
12 By Mr. Jay I. Moyes
13 1850 North Central Avenue, Suite 1100
Phoenix, Arizona 85004

14 For Arizona Public Service Company:

15 LEWIS AND ROCA, LLP
16 By Mr. Thomas H. Campbell
17 40 North Central Avenue
Phoenix, Arizona 85004

18

19 MICHELE E. BALMER
20 Certified Reporter
Certificate No. 50489

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25

1 CHMN. FOREMAN: Let's go on the record here.
2 This is a preapplication hearing, and the name of the
3 project is --

4 MS. DILLER: Agua Caliente Solar Project.

5 CHMN. FOREMAN: Agua Caliente Solar Project. And
6 the Applicant will be?

7 MR. MOYES: Agua Caliente Solar, LLC. We took
8 out "Energy."

9 CHMN. FOREMAN: Solar, LLC, okay.

10 MR. MOYES: Solar, LLC, which is a wholly-owned
11 subsidiary of NextLight Renewable Power, LLC.

12 CHMN. FOREMAN: Okay. Very good. You folks are
13 talking about -- we'll get to these in a minute -- you
14 folks are talking about wanting to file sometime later
15 this month; is that right?

16 MR. MOYES: That's correct.

17 CHMN. FOREMAN: Now, why don't you guys identify
18 yourselves for the record, too.

19 MR. CAMPBELL: Certainly. Tom Campbell of Lewis
20 and Roca on behalf of APS. And with me is Larry Krueger
21 of APS.

22 And Mr. Chairman, we are here because as part
23 of -- connected to this project there will be an
24 interconnection loop-in or transmission line that APS will
25 build, both a substation and a transmission line that will

1 connect with an existing transmission line. And it's a
2 vital part of this project that APS build this new
3 transmission line.

4 And so our thought was that we would file a
5 separate application for the transmission line, kind of
6 like, if you recall, in the Solana project there was a CEC
7 application for the plant and a CEC application for a
8 transmission line. In this case, Mr. Moyes' client will
9 file a CEC application for the plant and a portion of a
10 transmission line, a gen-tie line, in one application.

11 APS would then file a separate CEC application
12 for the transmission line that will -- and the substation
13 that will loop this project into the existing Palo Verde/
14 North Gila line. And our thought was that we would file
15 that separately, and then ask the Chairman to consolidate
16 for hearing purposes our very brief CEC application with
17 Mr. Moyes' client's CEC application. That we would join
18 them in the hearing and then -- but at the end of the day,
19 there would be two CECs issued, one to Agua Caliente, and
20 a separate CEC to APS just for this transmission line
21 loop-in.

22 CHMN. FOREMAN: So separate but contemporaneous
23 filing?

24 MR. CAMPBELL: Yes.

25 MR. MOYES: Yes.

1 CHMN. FOREMAN: And I'm sorry, Mr. Moyes. I
2 should have had you make your appearance on the record.

3 MR. MOYES: Jay Moyes of Moyes, Sellers & Sims,
4 on behalf of Agua Caliente Solar, LLC, the Applicant for
5 the solar project.

6 And as Mr. Campbell explained, that will be the
7 primary project, if you will, but the substation and
8 interconnection is an integral part of the success of the
9 project. And we think it would be most efficient, and we
10 would hope that you might agree with us, to consolidate
11 those two applications for hearing and processing
12 purposes.

13 CHMN. FOREMAN: Okay. The rules of procedure and
14 the statute are silent on joinder. I went ahead and did
15 it in 139 and 140, and I suffered no serious slings and
16 arrows, so I'm imagining that it would probably be -- I
17 will suffer the same fate if I do something similar this
18 time.

19 I think it would be appropriate, however, after
20 the applications are filed to file either a joint motion
21 or individual motions seeking joinder so that I can enter
22 some sort of formal order. So if somebody wants to get
23 excited about it, they can.

24 MR. MOYES: That was our contemplation that we
25 would file such.

1 CHMN. FOREMAN: I notice that Staff is not here.
2 I assume that you have talked with the Corporation
3 Commission Staff about these projects?

4 MR. MOYES: I have, Mr. Chairman. I had spoken
5 on three different occasions with Staff Legal Division.
6 As late as two days ago, had a meeting with Janice Alward
7 on another matter, the chief counsel, along with Nancy
8 Scott. And Ms. Alward has communicated twice to my office
9 that they appreciated the invitation, were aware of
10 today's scheduled conference, but that they would not be
11 attending.

12 CHMN. FOREMAN: All right. Did they indicate
13 whether or not they would be intervening?

14 MR. MOYES: They did not indicate for certain.
15 They indicated that they had what I guess I would describe
16 as some modification in their previous policy of
17 intervening as a matter of course in all of these siting
18 proceedings, in that they had not intervened in, I
19 believe, 143 and 144, if I'm correct on those numbers.
20 And that they may not intervene, but they had not reached
21 a final decision about that.

22 And I indicated that, obviously, we would
23 communicate with them regularly and furnish copies of the
24 application, and we would welcome them if they chose to
25 intervene. If they chose not to, that certainly would be

1 acceptable for us, too.

2 CHMN. FOREMAN: All right. That's fine.

3 MR. MOYES: If I might anticipate a subsequent
4 question, we do not know of any other party that we would
5 have any expectation of being a third-party intervenor at
6 this point. From the standpoint of our public outreach
7 and meetings, stakeholder meetings, other communications
8 in Yuma County and in the Dateland area where this project
9 will be located, have had no communication that would
10 suggest any other than full support for the project.

11 So while, you know, that can always pop up,
12 obviously, at this point we would be surprised to see any
13 third-party intervenors.

14 CHMN. FOREMAN: Okay. Do you have a map or
15 something that would give me an idea -- I believe I have
16 seen a map of this project before, but just to make sure.
17 This is in land that previously has been the subject of
18 irrigation; is that correct?

19 MR. MOYES: Yes. I have several aerial photos
20 here. They're relatively current. And what you see there
21 in terms of the irrigated area is the -- I guess I didn't
22 bring the stakeholder handout that had all of those.

23 But this is a map of the ranch laid out on the
24 topographic. Dateland is ten miles directly south on
25 Interstate 8. This is property that's historically been

1 known as the Whitewing Ranch. It's an old, well-known
2 agricultural property in Yuma County surrounded by public
3 lands, mostly BLM. And then as you move further west,
4 there's some state land that's in agricultural production.
5 I don't think either of these show us that, but --

6 CHMN. FOREMAN: For purposes of this hearing,
7 what I'm interested in is whether there is any land
8 impacted by this application that is public land or land
9 that is associated with a town or anything like that.

10 MR. MOYES: No. Yuma County is the only formal
11 jurisdiction. The community of Dateland, as I said, is
12 ten miles south and a couple of miles back to the west.

13 The property, we have acquired the entirety of
14 the ranch. It's currently, as you can see, under
15 agricultural production. The southern portion is in
16 drip-irrigated melons. The northern portions are in
17 citrus. Del Monte has a long-term lease, which they have
18 agreed to move to the northern portion of the property,
19 which because of its layout isn't configured very well to
20 accommodate solar.

21 So the solar project will use up essentially the
22 southern two-thirds of the acreage, and the Del Monte
23 existing drip-melon program will be moved up and replace
24 the citrus up here.

25 CHMN. FOREMAN: So how many acres are we talking

1 about?

2 MR. MOYES: About 3,200 acres in the total
3 property, and 2,400 of which will be involved in the solar
4 project.

5 MS. DILLER: It may be helpful to explain where
6 the existing transmission line is and that there's no
7 off-site facilities.

8 MR. MOYES: This is the existing Palo Verde to
9 North Gila 500kV line. There is also an approved corridor
10 on the northern side of that line for the second Palo
11 Verde to North Gila line, which was approved by the
12 committee, what it's been, almost two areas ago?

13 MR. CAMPBELL: Two years ago.

14 MR. MOYES: The substation that Mr. Campbell
15 referenced to will be constructed here in this corner, and
16 the PV to North Gila existing line will be looped in and
17 out of that substation. Eventually, upon construction of
18 the parallel No. 2 line, it's envisioned that that
19 substation would also be an interconnect point on the
20 second line, but our project will tie in initially just to
21 the existing line through the new substation.

22 So there's a roadway and the railroad between the
23 existing transmission right-of-way, and a very narrow
24 strip of private land just on the northern edge of the
25 transmission line right-of-way where we will cross over.

1 So we will need permission from that landowner, as well as
2 crossing permits over the roadway and the railroad, but
3 it's a very --

4 CHMN. FOREMAN: And you do not anticipate that
5 any of those folks will want to intervene in this matter?

6 MR. MOYES: No.

7 CHMN. FOREMAN: Have you resolved whatever issues
8 you have with them about accomplishing what it is you want
9 to accomplish?

10 MR. MOYES: We have no reason to think that they
11 have any concerns that would cause them to intervene in
12 the proceeding.

13 CHMN. FOREMAN: So you haven't concluded
14 contractual arrangements?

15 MR. MOYES: We don't have a contractual
16 right-of-way from that -- what is that? About a 100-
17 foot --

18 MS. DILLER: It's actually just 30 feet.

19 MR. MOYES: A 30-foot strip of land over which
20 we'll have a line crossing. But it's virtually parallel
21 to the boundary in terms of, you know, geographic
22 proximity to the existing high voltage lines that run
23 through there.

24 We are in the process of obtaining the
25 appropriate permits and so forth for crossing the railroad

1 and the roadways, as well as a right-of-way or whatever
2 permission we need from the private landowner.

3 CHMN. FOREMAN: Now, Mr. Campbell, where is your
4 line going to go?

5 MR. MOYES: That is their line.

6 MR. CAMPBELL: Down at the corner. There will be
7 two lines.

8 MR. MOYES: Right.

9 MR. CAMPBELL: Mr. Moyes' client will have a line
10 that runs from his project to our substation switchyard,
11 which is right on the corner there.

12 MR. MOYES: And that will be along this line,
13 approximately.

14 MR. CAMPBELL: We will be building the substation
15 there near the existing Palo Verde to North Gila line, and
16 then the transmission lines that will go -- in a sense
17 loop out of that substation and interconnect to the
18 existing transmission line and the new transmission line.
19 So all of our project is down the very corner of this
20 project.

21 MR. MOYES: As you see, there's an existing
22 cooling facility in this site right here. You can see
23 this transmission line that parallels the railroad.

24 CHMN. FOREMAN: So you're the -- APS is the
25 client -- is the Applicant that's going to have to deal

1 with whatever legal authorizations need to be obtained to
2 go from this substation to the existing larger one?

3 MR. CAMPBELL: Yes. And I should add,
4 Mr. Chairman -- I failed to do this -- the existing
5 transmission line, which we're calling the Palo Verde to
6 North Gila No. 1 line, is operated by APS, but it's
7 jointly owned by APS, San Diego Gas & Electric, and the
8 Imperial Irrigation District.

9 And the application that APS will be filing, it's
10 possible that the co-applicant will be San Diego Gas &
11 Electric with us, because they'll have ownership interest
12 in the substation and the tie-line, the loop-in line.

13 And although I don't think they would be a party,
14 we would also be filing this application on behalf of
15 Imperial Irrigation District, because the substation and
16 the tie-line, the loop-in line, will be jointly owned by
17 those three parties. That's right, isn't it, Larry?

18 MR. KRUEGER: Uh-huh.

19 MR. CAMPBELL: We'll definitely be the Applicant.
20 San Diego may be a co-applicant. But as you may have seen
21 in prior applications, sometimes a party will be the
22 applicant on behalf of itself and some participants in the
23 project. So you may hear those other two names.

24 CHMN. FOREMAN: But you're not anticipating them
25 becoming -- we'll call it parties with separate interests

1 in this matter?

2 MR. CAMPBELL: No. San Diego Gas & Electric?

3 CHMN. FOREMAN: Or the Imperial Valley people.

4 MR. CAMPBELL: The Imperial Irrigation, no. Our
5 interests would be aligned.

6 CHMN. FOREMAN: All right. And I'm just at this
7 point trying to deal with logistical procedural
8 contingencies.

9 So then we're talking about two projects that are
10 going to be on private land. That although contractual
11 arrangements have not been finalized, do we anticipate
12 that there will be a finalization before the hearing in
13 this matter or are we going to --

14 MR. MOYES: That remains to be seen -- we don't
15 anticipate any problem -- and probably will be. But, you
16 know, that 30-foot strip, we only recently discovered that
17 there was, in fact, a strip of private land between the
18 transmission corridor and the road right-of-way. And so
19 I'm a little bit uncertain as to what the timeline will be
20 for completing the ability to cross that.

21 CHMN. FOREMAN: May I infer that the 30-foot
22 strip is not included in anybody's backyard?

23 MR. MOYES: No. As you can see, this is very
24 remote, wide open. There are no residences, there's no
25 farming, and there's nothing going on on this side of the

1 road. It's simply whoever owns this piece. The
2 transmission corridor didn't abut directly against the
3 road right-of-way. We thought it did, and we've
4 discovered at this location there's about a 30-foot space
5 there.

6 MR. CAMPBELL: Tell me where the 30-foot is
7 again, Mr. Moyes.

8 MR. MOYES: Where we would expect to cross --
9 where your line would expect to loop across from the
10 northern edge of the existing Palo Verde/North Gila-1
11 corridor to the road right-of-way is about a 30-foot space
12 in there that the title studies, at least, reflect that's
13 open.

14 MR. CAMPBELL: Does the Palo Verde to North Gila
15 No. 2 corridor overlap that 30-foot corridor?

16 MR. MOYES: It does. It abuts adjacent to the
17 existing corridor.

18 MR. CAMPBELL: That's what I thought. I thought
19 they were together.

20 MS. DILLER: But the corridor is only 2,000 feet.

21 MR. MOYES: But the corridor has been approved.
22 The corridor for the second line has been approved, and it
23 begins at the northern edge of the existing transmission
24 right-of-way. That's my understanding from the previous
25 case. But that doesn't -- the designation of the corridor

1 by the siting approval doesn't in and of itself grant a
2 right-of-way to APS to cross it. That will still have to
3 be obtained.

4 MR. CAMPBELL: Thank you.

5 CHMN. FOREMAN: Okay. I would like to have one
6 of these marked as Exhibit 1.

7 MR. MOYES: Let's use this one, because the view
8 of this one tends to lay out a little more consistently
9 with the map. It's really more of a long, narrow, north
10 to south property than these two views depict.

11 CHMN. FOREMAN: Well, we'll mark this map as
12 Exhibit 1.

13 There is a draft procedural order that I have
14 provided for each of you and draft conditions to go with
15 the draft CEC that I have provided you. And the
16 procedural order will be Exhibit 2, and the draft
17 conditions will be Exhibit 3 for purposes of this hearing.

18 The procedural order will be generated after the
19 application. If you're going to file a motion to
20 consolidate the consideration of the two applications,
21 I'll hold off on generating this procedural order until I
22 get your motion so I can include it all in one motion.

23 I have reengineered some of the things that I did
24 last fall, so please take a look at the procedural order.
25 I hope, I believe, both of you have seen copies of this

1 before, but I want to go over it.

2 MR. MOYES: I had a copy that I brought with me,
3 and I have been through it.

4 CHMN. FOREMAN: Let me call your attention to the
5 publication and posting. I'll want each of you to run a
6 draft of your notice by me. And I would like for you also
7 to run it by Staff, at least give them the opportunity to
8 comment on it.

9 MR. MOYES: Mr. Chairman, I have with me a copy
10 of the notice of hearing that was used in Case 144, as
11 well as the agenda for that same case. And may I presume
12 that this format is what you would like to see in
13 essentially the same -- as far as its substance, as
14 opposed to the facts pertaining to the project, the form
15 and substance of this notice is generally satisfactory?

16 CHMN. FOREMAN: Yes. The agenda is -- well, we
17 can talk about that later. The notice is satisfactory.
18 There are other forms for notice that have been used in
19 the recent past that I also think are satisfactory.

20 So we obviously need specific descriptions of
21 locations. Because this is a fairly centralized project,
22 both the line and the plant site, it's not going to be
23 something that I think requires a great deal of notice,
24 but you should at least post notices, maybe one on each
25 side or, you know, four sides to it or something like

1 that, that would allow people to take a look at it. And
2 as far as the line is concerned, it just sounds to me like
3 one notice or two notices, one at each end, would probably
4 be more than satisfactory. Make the notice large enough
5 to be similar to a traffic control device sign and contain
6 the information that's on there about the location of the
7 hearing and so on.

8 Now let's talk a little bit about that. As far
9 as the hearing is concerned, how much time do you think
10 you'll need, and when do you think you'll be ready to go
11 to hearing?

12 MR. CAMPBELL: Mr. Chairman, can I ask a question
13 about notice before we get to that?

14 CHMN. FOREMAN: Sure.

15 MR. CAMPBELL: I'm assuming, since they will be
16 consolidated, the same hearing, the same location, that
17 what we'll do is publish a consolidated notice of the
18 hearing. So in other words, we'll be -- I think that's
19 the way that we did that in the Solana case.

20 MR. MOYES: I believe so.

21 MR. CAMPBELL: As opposed to four publications
22 you would have two publications, and the notice of hearing
23 would be a notice of hearing of the consolidated action.
24 That's what I was envisioning, but I thought I should
25 mention that.

1 CHMN. FOREMAN: Yeah. Because we can go either
2 way on that. In this situation, it seems to me a
3 consolidated notice would make some sense, because it is
4 very -- the two projects are highly integrated in a single
5 locale. So I don't have a problem with the idea of a
6 joint publication.

7 MR. MOYES: Thank you. I would agree with that.
8 That's what we anticipated.

9 CHMN. FOREMAN: But you'll probably need to,
10 obviously, hold off on the publication until after the
11 application to join the two projects is granted, assuming
12 that it will be. I don't know any reason why it wouldn't,
13 but, I mean --

14 MR. MOYES: My thought was that we would file
15 those motions or that motion with the application so that
16 you would have ample opportunity to respond to the motion.

17 CHMN. FOREMAN: That's fine.

18 MR. MOYES: And give us the hearing setting
19 within the 10-day period before we need to publish.

20 CHMN. FOREMAN: Well, it's not my response that
21 I'm interested in. I'm interested in the response from
22 the Staff or from any other potential party. So we'll
23 probably give people the 10 days or so to file some sort
24 of response. And if nothing comes forward, then I'll
25 generate the procedural order and approve -- hopefully

1 you'll submit it about the same time -- a joint draft
2 notice for signage and for publication.

3 MR. MOYES: That we would also expect to have
4 available at the time we file the application, and then
5 furnish that to you and to Staff.

6 MR. CAMPBELL: My only -- I'm sorry.

7 MR. MOYES: My only concern --

8 MR. CAMPBELL: You go first.

9 MR. MOYES: -- is what you're going to raise, is
10 that we -- from the date the application is referred to
11 you, we have a 10-day window for public -- for initial
12 publication and setting of the hearing. If we're going to
13 file a consolidated notice or publish a consolidated
14 notice, we would need to have had a response on the
15 consolidation motion prior to that time.

16 CHMN. FOREMAN: That's a good point.

17 MR. MOYES: Do you think it's feasible to expect
18 that?

19 CHMN. FOREMAN: Yeah.

20 MR. MOYES: Okay.

21 MR. CAMPBELL: Mr. Chairman, Mr. Moyes, in the
22 prior case we did this. My experience with the
23 Corporation Commission Docket Control is what they'll want
24 us to do is file separates motions to consolidate in our
25 respective dockets, and have the Chairman issue, in a

1 sense, separate orders in each docket consolidating those
2 dockets, and then we can start filing things in
3 consolidation. But we had sent down one motion to
4 consolidate last time, and they wanted separate ones for
5 each docket and separate orders for each docket.

6 CHMN. FOREMAN: Yes. And I have no control over
7 Docket Control, so that's fine. However they would
8 procedurally like to have it done is fine with me.

9 All right. Well, good. Then --

10 MR. MOYES: Let me ask a final question, if I
11 may, Mr. Chairman.

12 CHMN. FOREMAN: Sure.

13 MR. MOYES: Given that the roadway accessing the
14 project, the site, is right here currently, and that this
15 would be the substation location, would you think it
16 acceptable that the same posting refer to both
17 applications as far as notice to the public of the solar
18 project and the substation on a single posting, or would
19 you like to see separate ones?

20 CHMN. FOREMAN: I think if you're going to have a
21 joint notice that it should be -- the joint notice can
22 refer to both applications. And the joint notice should,
23 obviously, be placed down here near where the transmission
24 line is going to be located, and then around the perimeter
25 of the land where the power plant site is going to be

1 located. So reasonable intervals, and it seems to me that
2 maybe it looks like maybe six -- one, two, three, four,
3 five, and six would probably handle it.

4 MR. MOYES: There's really no -- my only
5 comment -- we can certainly do that -- there really is no
6 public access to any of this property from anywhere except
7 the road. In fact, it's fenced quite securely, because
8 this is certified for organic growing purposes, which
9 requires them to keep coyotes and people and do whatever
10 they can to secure it.

11 It is public land and people could get out there.
12 So if you're more comfortable -- and certainly we want to
13 be sure that we've indicated appropriate notice. Whatever
14 your pleasure is.

15 CHMN. FOREMAN: The cost of signage is slight.
16 The cost of failure to notice is great.

17 MR. MOYES: Fine.

18 CHMN. FOREMAN: Yeah. We don't want the coyote
19 or the desert tortoise lobby to lack notice of what is
20 happening.

21 MR. MOYES: All right. We will expect to post
22 those, and then we'll take photographs of those posted and
23 present that as part of the hearing process then.

24 CHMN. FOREMAN: Yes. And that's a good point. I
25 would want to have as a part of the hearing process some

1 sort of written documentation of the notice and so on.

2 Now, as far as the hearing dates and times, I
3 don't think you guys have talked to Tara about -- I don't
4 think that the committee has been checked with to see what
5 their schedule is.

6 MR. MOYES: My office communicated with Tara to
7 see what your current hearing schedule was. We have a
8 preference for two different weeks, one better than the
9 other. The most preferred date for us, for Agua Caliente,
10 would be in July -- what is it? I apologize. I'm
11 forgetting which --

12 MS. DILLER: The 13th through the 15th.

13 MR. MOYES: The 13th through the 15th?

14 MS. DILLER: Yeah.

15 CHMN. FOREMAN: Okay.

16 MR. MOYES: Yes. July 13, 14, and 15.

17 CHMN. FOREMAN: Is that a Monday, Tuesday, and
18 Wednesday?

19 MR. MOYES: That is. However, we know
20 Mr. Campbell has some problems with that. A second date
21 that would work for us, it's not as good for us, would be
22 the 8th through the 10th, which is a Wednesday, Thursday,
23 Friday. Part of my problem is that my right-hand
24 assistant, LuAnn, will be gone from July 27 until July 8.

25 CHMN. FOREMAN: You mean June 27 through July?

1 MR. MOYES: No, July. We're speaking July.

2 MS. DILLER: You said July 27.

3 MR. MOYES: Yes. She'll be -- June 27 through
4 July 8. I apologize.

5 But Mr. Campbell has the converse problem of
6 during the second -- the 13th through the 15th, he's in
7 Europe, and Mr. Acken is apparently committed to some
8 other --

9 MR. CAMPBELL: He's on the East Coast.

10 MR. MOYES: He's on the East Coast. So we're
11 sort of in a dilemma there as to --

12 CHMN. FOREMAN: Let's see what the schedules of
13 our committee members are, and then we'll make a call on
14 that. Please get in touch with Tara on Monday. She'll be
15 back then and we can go from there. I guess we're going
16 to be going on Monday.

17 MR. CAMPBELL: Yes. Some of us will be together
18 on Monday.

19 CHMN. FOREMAN: So there will be a -- we'll be
20 tied up, so let's -- later than that we'll get that
21 squared away, but hopefully we can get dates squared away
22 before you submit your applications.

23 MR. MOYES: That would be our hope as well. And,
24 obviously, we will -- you know, to the extent that we had
25 to do something dramatically different than those time

1 frames, we would orchestrate the timing of the application
2 to accommodate that, but I don't think that will be
3 necessary.

4 CHMN. FOREMAN: I think that's important.
5 Because with the need to order the joinder and your joint
6 notice and everything, you're going to need to have the
7 date and time and location in your notice.

8 MR. MOYES: Right.

9 CHMN. FOREMAN: So all of that has got to come
10 together at the same time.

11 MR. MOYES: We don't anticipate any timing issues
12 with respect to publication. The newspaper that we would
13 use is the Yuma Sun, and it's a daily and their
14 publication deadlines are not terribly far in advance. So
15 that won't be an issue for us.

16 And our current contemplation would be, I
17 believe -- Dana can correct me if I'm wrong -- but to file
18 on May 26, the day after Memorial Day. We expect to be
19 ready then. We really are very far along in terms of
20 completing the CEC application. The one for the solar
21 project is virtually done. The one for the substation
22 facility is very far along. And so that won't be a
23 problem for us, unless for some reason we needed to delay
24 it in order to meet the 30- to 60-day window issue, but we
25 don't expect that to be a problem.

1 CHMN. FOREMAN: Okay. And as far as location, am
2 I anticipating Yuma?

3 MR. MOYES: There is a very good facility at the
4 Dateland Elementary School, and the folks at that site
5 really operate as if they were the town hall and community
6 center for that region of the county. They would like to
7 have the hearing there. We think that's the best place to
8 have it from a standpoint of public opportunity to attend
9 and listen and make comment.

10 We've had some stakeholder and public outreach
11 meetings at that facility. It's a little bit of an
12 inconvenience there for purposes of rooms, but there is a
13 nice hotel facility in Wellton, which is to the west
14 about -- what is it -- 25 miles maybe. And then, of
15 course, we could go on as far as Yuma to get rooms if we
16 needed to. But I think we can make arrangements with that
17 hotel to get rooms that would be not too distant from the
18 hearing site. That is our plan, at least, unless others
19 have strong feelings to the contrary.

20 CHMN. FOREMAN: Okay. That sounds doable.

21 MR. MOYES: It's a room sort of like what we used
22 in Coolidge with the Coolidge facility. It's a large
23 room. We can accommodate good seating and sound systems
24 and so forth there.

25 CHMN. FOREMAN: Okay. Then we have the issue of

1 the tour.

2 MR. MOYES: What?

3 CHMN. FOREMAN: We have done one without a tour.
4 We've got one scheduled next week without a tour. We have
5 one scheduled in early June with a tour. The only way
6 that I can figure how to engineer a tour and accommodate
7 the concerns that have been expressed by Staff is to bring
8 a court reporter along or have it recorded in some way.
9 I've been advised by the court reporters that there are
10 some who absolutely will not report on a tour, so I'm not
11 sure how we're going to deal with this. But we will have
12 at least one tour, I think, under our belts before this
13 takes place.

14 What I will probably do is schedule the tour on
15 the second day of the proceeding in the morning, at least
16 that's what I have done with the first one, and give the
17 committee members the option of going on the tour or not
18 going on the tour.

19 MR. MOYES: Mr. Chairman, we've given this a lot
20 of thought, and I have done some examination of what's
21 available on Google Earth and other virtual-tour-type
22 capabilities. And they are very good not only in terms of
23 being able to do the different viewpoints of aerial, but
24 along this highway there are landscape views that have
25 been taken photos that you can bring up as if you were

1 sitting on the roadway and look at it from different
2 perspectives.

3 And it's our pretty strong feeling that we could
4 show through that virtual tour capability everything that
5 you or the committee members might be interested in seeing
6 without the complexities from a legal standpoint or just
7 the physical logistic issues of physically touring the
8 property. Obviously, if you felt strongly and the
9 committee members did, we would do what we need to do to
10 accommodate an actual tour, but this is a site that looks
11 like you see it here. It is something we can show very
12 clearly from a virtual tour.

13 CHMN. FOREMAN: Mr. Campbell, you have a thought
14 on a tour?

15 MR. CAMPBELL: I agree with Mr. Moyes. This is
16 probably a case where a tour, certainly for our portion of
17 it, isn't necessary.

18 CHMN. FOREMAN: Well, the scars that I have that
19 I incurred last fall or last winter have not yet healed.
20 And so if I can avoid incurring new wounds, I would like
21 to do that. On the other hand -- and I do believe that
22 the rules and the statute place this decision in the hands
23 of the Chairman of the committee.

24 But I have a lot of really bright, really capable
25 people on this committee, and if some want to eyeball the

1 area, I'm going to give them the opportunity to do that.
2 So what I think we'll do is have the second day start at,
3 say, 8:00 a.m., with the tour. And let's see. We want to
4 phrase it correctly. Start at 8:00 a.m. if a tour occurs.
5 And the decision as to whether a tour will occur will be
6 made by me after consulting with the committee members on
7 the first day of the hearing.

8 MR. MOYES: Might it be feasible for us to, in
9 the first day, present the virtual tour, and then that
10 would help them decide whether they need more?

11 CHMN. FOREMAN: Feasibility is up to you. I
12 would certainly hope that you would do that so that they
13 would have that option already expressed. And that if
14 they want then to go beyond that and see it themselves,
15 then they can make that call. And if there's a good
16 reason for it, then I would probably be inclined to say
17 that we ought to go ahead and have the tour. But I'm just
18 trying to figure out a way to engineer this and
19 accommodate the interests of my committee members and not
20 incur any more lacerations.

21 So with that segue, I think I would like to have
22 that done. If you can come up with some sort of a
23 reasonable protocol for doing it, itinerary for doing it,
24 what we would do is go to a particular site. And it seems
25 me that the site that would make sense would be the site

1 where the tie-in occurs and the switchyard is located.
2 And at that point get out of the car, have the court
3 reporter or tape recorder turned on, and have somebody who
4 has been sworn or will be sworn as a witness say, "That
5 way is north, that way is the location of the project,
6 here are the existing lines, this is where the corridor
7 that exists is located, this is where the private land in
8 question is, some of the landmarks that will be of
9 interest," and that's it. Then we can go back and discuss
10 the implications of that at the hearing.

11 So I don't anticipate that it's going to take
12 very long. It doesn't look to me like it would be
13 necessary to go around the project. It just seems to me
14 that just going out and getting an idea of what the land
15 is. And I don't know, can you drive up to the back areas
16 of the project?

17 MR. MOYES: You can. Dust control is a matter of
18 high sensitivity for the melon crops in here. And so if
19 that were going to happen, we would alert the ranch and
20 have them wet the roads and so forth. But that is
21 possible if folks would like to do that. You don't see
22 much -- as you get into the northern part of the ranch
23 there's more citrus to see, and out here it's melons.
24 Some of the citrus is over in this area as well, but --

25 CHMN. FOREMAN: And another reason for not going.

1 MR. MOYES: So would you -- it sounds as if you
2 would like us to have arranged at least for a van --

3 CHMN. FOREMAN: Yes.

4 MR. MOYES: -- that could be used for the tour.
5 It's approximately 13 miles from the Dateland Elementary
6 School up and over to this site. And I would agree with
7 you. This is, in my opinion, the appropriate vantage
8 point from which you can see the railroad, the
9 transmission lines, the ranch proper, and how it sits in
10 proximity to the surrounding public land.

11 CHMN. FOREMAN: The hotel is another 25 miles to
12 the west?

13 MR. MOYES: To the west toward Yuma. It's right
14 off of Interstate 8.

15 CHMN. FOREMAN: So we would be talking about half
16 an hour to -- well, a 45-minute drive to get there from
17 the hotel?

18 MR. MOYES: I would say we maybe should figure on
19 an hour. Let me check for sure the exact travel distance
20 from that hotel to the school.

21 CHMN. FOREMAN: It's going to be July. It's
22 going to be hot.

23 MR. MOYES: Right.

24 CHMN. FOREMAN: I would like to get out early.
25 By the same token, it's not going to last very long.

1 Let's just stick with 8:00. Stick with 8:00.

2 MR. MOYES: If we planned -- just as a
3 suggestion, if we planned to convene at the school at
4 8:00, then any public who wanted to follow along could
5 meet at the school at that hour and then follow us the
6 13 miles up to the viewpoint.

7 CHMN. FOREMAN: Yes.

8 MR. MOYES: And then we would do the appropriate
9 departure from the hotel to make it there by 8:00.

10 CHMN. FOREMAN: Yes. And it should depart from
11 the school, from the location of the hearing.

12 Okay. We've talked about potential parties. I'm
13 sure you folks know about contacting Mr. Kearns or whoever
14 is now handling the finances over at the Commission.

15 MR. MOYES: Yes.

16 CHMN. FOREMAN: Agenda. We'll generate an agenda
17 and ask that you comment on it before the hearing so that
18 we can have time to modify it if there's a concern.

19 MR. MOYES: Let me -- I apologize for
20 interrupting.

21 CHMN. FOREMAN: Sure.

22 MR. MOYES: You said, "We will generate an
23 agenda." Do you want to do that at your office then?

24 CHMN. FOREMAN: Yes.

25 MR. MOYES: We will do the notice of hearing and

1 submit that to you for comment, but the converse will be
2 the case with the agenda?

3 CHMN. FOREMAN: Yes, exactly.

4 MR. MOYES: Thank you.

5 CHMN. FOREMAN: You folks will meet and confer.
6 Just keep everybody advised.

7 As far as numbering of exhibits, we have -- let's
8 see. Let's have Agua Caliente be AC-1. APS will be
9 APS-1. I have found that when the Applicant files an
10 application that has Exhibits A-1, 2, 3, 4, and if the
11 application is made Exhibit Applicant-1, we have Exhibit
12 A-1 with A-1, or look at Exhibit A-1 and A-1. And that
13 has thoroughly muddled our most recent transcripts, so I'm
14 modifying the exhibit numbers.

15 Neither of you are particularly longwinded, so
16 you certainly don't need to take 30 minutes.

17 Public comment, are we going to need an evening
18 public comment session?

19 MR. MOYES: That's entirely at your discretion,
20 Mr. Chairman. We have had, as I said, substantial public
21 outreach, and we've had good participation at those and
22 uniformly strong support.

23 We would expect, just for the sake of the record,
24 we would hope that there might be a public official or two
25 or someone else that might make supportive comments. We

1 obviously can never predict where you might get a negative
2 comment from someone. But if you would prefer to do that
3 in the course of the regularly scheduled hearings, that's
4 fine with us as well, or we would be happy to do an
5 evening session.

6 CHMN. FOREMAN: Well, I'm happy to take public
7 comment during the hearing, and would probably do that
8 after the opening statements so that those in attendance
9 can have an overview of the projects.

10 If you have had people from the community who
11 have participated before who might want to make comment,
12 then I think I would like to have an evening session.
13 We'll schedule it at 6:00 p.m. in the school on the first
14 day of the hearing, the evening of the first day of the
15 hearing, and hopefully we'll get a few people show up. If
16 not, we've at least provided the opportunity for members
17 of the community who might be employed during the day to
18 come and talk.

19 MR. MOYES: Thank you. I know that's important
20 to the Commissioners as well.

21 CHMN. FOREMAN: All right. Now, beyond that,
22 we'll schedule a procedural hearing about a week to ten
23 days before the hearing. We'll do a consolidated hearing.

24 And just to make sure everything is on track, how
25 many witnesses do you anticipate you're each going to

1 present?

2 MR. CAMPBELL: We only anticipate presenting one
3 witness, probably our project director, Mr. Bernosky. The
4 environmental testimony will all be presented, I believe,
5 by a witness by Mr. Moyes who will be presenting the
6 evidence on the environmental impact of the APS portion of
7 the project. So, in essence, we will share a
8 environmental witness, which will make things more
9 efficient. So other than that shared environmental
10 witness, we'll only have one witness.

11 CHMN. FOREMAN: Okay.

12 MR. MOYES: We expect a small number. We don't
13 know exactly, but I would say four, probably a maximum of
14 four. And we do not anticipate lengthy testimony. We
15 will expect to use PowerPoint presentations and get down
16 to the basics pretty quickly.

17 From an environmental standpoint, this site,
18 fortunately, is very clean in the sense that it's all
19 previously disturbed agricultural lands. There's little
20 in the way of items of environmental impact from a special
21 species or habitat kind of issues that would need lots of
22 discussion. Obviously, the studies and those things will
23 all be available in the application and we will highlight
24 those with PowerPoint presentations. But we do not expect
25 a lot of Q and A kind of testimony, and probably not much

1 in the way of, I would expect, questions from the
2 committee members on those topics that in some cases do
3 take a lot of time and interest.

4 So the technology side of this application will
5 probably consume a fair amount of the time in terms of our
6 witness testimony. We haven't mentioned it yet, and I
7 apologize, but one of the nuances that we're going to
8 approach this with, it's a little different than most
9 projects.

10 In contrast to the Abengoa solar project, which
11 was -- you may remember the term CSP, concentrating solar
12 power technology -- our application is going to address
13 alternative technologies, and we hope to get a CEC that
14 would approve the flexibility to do either CSP or
15 photovoltaic.

16 Without going into a lot of details, the
17 environmental footprint, if you will, of CSP is much more
18 material in that it has a water requirement; it has a
19 steam turbine with an air permit requirement. It's a
20 little more complicated in terms of chemicals and
21 materials handling, as well as discharge of treated
22 wastewater and ponds and APP permits. So our view is that
23 we would establish the parameters of sort of that as a
24 worst-case environmental impact of this project.

25 Within that footprint, one could build a

1 photovoltaic project that uses way less water, essentially
2 a little water to clean the panels with periodically. It
3 doesn't have lots of water treatment or wastewater issues.
4 It doesn't have a steam turbine with air permit issues.
5 So it fits nicely within the envelope of a CSP
6 environmental analysis.

7 The utilities seem to have a great deal of
8 uncertainty right now about which technology they prefer.
9 The economics of constructing the two alternatives are
10 evolving daily. And the purpose of doing both under one
11 permit would be to preserve that flexibility, but also
12 from a standpoint of judicial efficiency and economy avoid
13 having to come back again if one would have permitted just
14 one of the two technologies and then found that the other
15 one is what ended up being the preferred decision of the
16 utility and the power purchase agreement, without which
17 these don't get built at all.

18 CHMN. FOREMAN: Is it your opinion that Arizona
19 law requires a CEC for a photovoltaic power generator?

20 MR. MOYES: It's my opinion that under a
21 straightforward reading of the statute, currently it does
22 not. And I have had visits with Commissioners about the
23 subject generically. They obviously have some concerns
24 about that fact. And I think in their own individual
25 thinking, as I have construed it at least, that there's

1 probably some contemplation of perhaps addressing that
2 legislatively in the future, but it's not being done at
3 the moment that I'm aware of.

4 However, because the CSP technology is an option
5 that could settle out as the choice, we definitely would
6 have to have a CEC for that. Therefore, we feel like the
7 better course is to just include it all together in one
8 application. And then, whatever shakes out, we will have
9 whatever approval someone deems necessary, if necessary.

10 That's the best answer I can give at this point.
11 It's somewhat analogous, Mr. Chairman, to the situation we
12 were in, and Dana Diller was the project manager on the
13 Sundance case, which you were not Chairman at that time.
14 But it was a compilation of 10, LM6000 gas turbines, any
15 one of which was below the 100 megawatt threshold, but in
16 the aggregate it was a 500-megawatt project. And sort of
17 collectively, you know, it was a significant generating
18 project.

19 CHMN. FOREMAN: Uh-huh.

20 MR. MOYES: And we labored over whether we should
21 sort of run the risk of not having a CEC and having the
22 Commission come back later and decide they wanted to
23 interpret the statute in a way that the aggregation of
24 those units constituted a plant. Instead, we chose to go
25 in at the front end with an application and go through the

1 process.

2 This is one where we felt like the appropriate
3 thing to do was to say, here are two things that we could
4 build on this site. We believe this site is very ideal
5 for either of them. There's no reason to not put both
6 technologies on the table and explore the options and
7 alternatives.

8 We do not want and we would not expect to have
9 the committee tell us which of the two we have to build.
10 But we need to preserve that option and that flexibility
11 so that in the course of the negotiations with the
12 off-taking utilities, they can have that flexibility and
13 not disqualify the project if they were to choose one or
14 the other.

15 CHMN. FOREMAN: And I guess I've been assuming
16 that APS is going to be the purchaser of the power
17 generated?

18 MR. MOYES: That's not necessarily the case, no.
19 In fact, it would appear at this point that it would not
20 be APS. We are involving APS because of the transmission
21 interconnection of the proximate line.

22 CHMN. FOREMAN: Okay, good. Good to know that.

23 All right. Interesting. Well, that should make
24 for an interesting presentation.

25 MR. MOYES: It's somewhat novel. And we will try

1 to be very careful in our organization so that it's clear
2 when we're discussing one and discussing the other. The
3 application is structured in a way that goes through all
4 of the requirements for one technology and then covers
5 those same requirements for the other technology. And
6 then, of course, much of -- all of the biological studies,
7 those things are equally applicable.

8 CHMN. FOREMAN: All right. One member of our
9 committee, Gregg Houtz from the water department, is
10 obviously interested in water usage. And so I'm sure that
11 you'll talk about the comparative water usage and so on as
12 a part of this.

13 MR. MOYES: We will. And I just met with
14 Mr. Houtz within the last week, along with our
15 hydrogeologic consultants.

16 Just for your information, and obviously we'll
17 cover this later, but we have done extensive studies and
18 modelling, actually, of the impacts of the CSP technology,
19 which would be the higher water consumption.

20 The combination of taking these lands out of
21 production completely and moving the drip irrigation
22 program to the northern where it's now flood irrigation
23 citrus at a much higher water duty, has a dramatically
24 reducing effect on the total pumpage here of more than
25 half, cutting it in half, and consequently an actual

1 raising of the water table, not only on the ranch here,
2 but on the area to the west that's also under agricultural
3 production, even if we were to go with the CSP technology.

4 CHMN. FOREMAN: So it does sound to me like we're
5 talking about two or three days of testimony.

6 MR. MOYES: That component will definitely add
7 some time, because the technology -- although the bulk of
8 the items one needs to discuss in detail arise under the
9 CSP technology, which the committee has heard and seen
10 presentations on and I suspect is fairly familiar with,
11 the PV technology is pretty basic and simple. You put the
12 panels out. They either track the sun or they're on a
13 fixed tilt structure, depending upon the vendor.

14 CHMN. FOREMAN: I think you're still going to --
15 it's novel enough that you're still going to have some
16 questions from the committee members.

17 MR. MOYES: Yes.

18 MR. CAMPBELL: And, actually, you have a number
19 of committee members who are new since Abengoa.

20 CHMN. FOREMAN: Yes. There are a number of
21 people who are going to be on the committee, too, that I
22 can think of off the top of my head that are going to be
23 on the committee that were not on Abengoa.

24 MR. MOYES: May I ask which those are?

25 CHMN. FOREMAN: Member Jessica Youle will be

1 taking Jack Haenichen's place. And then Bill Mundell --

2 MR. MOYES: I know Jessica.

3 CHMN. FOREMAN: -- will be on the committee.

4 MR. MOYES: Right.

5 CHMN. FOREMAN: And he wasn't on the committee at
6 the time of 139 and 140. All right. Well, that sounds
7 interesting.

8 Now, we'll want, then, draft CECs with
9 conditions. I have given you, again, some draft condition
10 language. If you're going to put conditions in your CECs,
11 and hopefully you will be agreeing to each other's CECs
12 and conditions, it would be helpful to us to have some
13 kind of an idea of where the language came from so we can
14 get that in the record. There's at least one member of
15 the Commission who became somewhat upset when she thought
16 that a portion of the CECs came from someplace that it
17 shouldn't have come from.

18 And what I provided to you is my rewrite of CECs
19 from the past, and I put those out as a point of
20 departure, not as an end point. So if you have more to
21 add or different language that you would like to address,
22 feel free to do that. If you do change the wording and
23 you use the particular wording from another CEC, giving us
24 an idea of which CEC it came from would be helpful. I
25 think it's helpful to have that in the record anyway.

1 MR. MOYES: Or if we simply want to suggest
2 different language that's more specifically applicable, I
3 gather that's not a problem as long as we identify where
4 it's coming from?

5 CHMN. FOREMAN: Yes.

6 MR. MOYES: I understand your point and
7 appreciate your point about the fact that the
8 Commissioners like to see the same language that they've
9 seen before if they believe it fits.

10 So I take it from this list you wouldn't expect
11 necessarily that all of these would -- as topical matters
12 would fit this case, but they might.

13 CHMN. FOREMAN: All will not, but you can adjust
14 the language to what is appropriate.

15 MR. MOYES: Okay.

16 CHMN. FOREMAN: But all of the issues should be
17 addressed if they're relevant to the application.

18 MR. MOYES: Certainly.

19 CHMN. FOREMAN: I think that covers most of the
20 areas that I have. Do you folks have questions?

21 MR. CAMPBELL: No.

22 CHMN. FOREMAN: All right. We will look forward
23 to hearing from you and getting this set up and getting it
24 rolling along. I don't, as I said, know what our members'
25 schedules are going to be for July, so we'll just have to

1 make some calls and find out.

2 MR. MOYES: Have you seen with the current makeup
3 of the committee a preference for particular days of the
4 week or resistance to any particular day of the week?

5 CHMN. FOREMAN: I prefer Tuesday, Wednesday,
6 Thursday rather than Monday, Tuesday, Wednesday, but
7 others prefer Monday, Tuesday, Wednesday because it comes
8 out of the weekend, or Wednesday, Thursday, Friday. So I
9 don't think there are any strong preferences one way or
10 the other. I think it's more a question of who is
11 available.

12 MR. CAMPBELL: And just so it's clear -- and
13 Mr. Krueger was just talking to me -- hopefully the 8th,
14 9th, and 10th will work, because we do have a big problem
15 the next week because neither of the regular lawyers at
16 APS are even close to town. So hopefully the 8th, 9th,
17 and 10th will work.

18 MR. MOYES: We'll get those dates to Tara
19 promptly. And you say she's not in tomorrow I gather?

20 CHMN. FOREMAN: That's correct. She's not in
21 tomorrow, I'm not in tomorrow, and Suzie is not in
22 tomorrow. So the only three people in the Attorney
23 General's office who have any knowledge of what is going
24 on in line siting are all three saving the taxpayers money
25 tomorrow.

1 MR. KRUEGER: Maybe if I can address you?

2 CHMN. FOREMAN: Sure.

3 MR. KRUEGER: Is the fact that there's three
4 days, do you need to have them all at that location?

5 CHMN. FOREMAN: Well, now, that's an interesting
6 point. I think the statute allows some flexibility there.
7 And historically you might be able to bring a third day
8 back into the Phoenix area or some other location. But
9 again, I don't have any strong feelings one way or the
10 other on that.

11 MR. MOYES: From the Applicant's perspective, I
12 guess we would urge against that just from the standpoint
13 of expense and the logistics of arranging two different
14 facilities and the timing of those schedulings and the
15 costs.

16 CHMN. FOREMAN: You guys get together. And if
17 you can agree, fine. If you can't, give me your best
18 options and I'll decide.

19 MR. MOYES: One thing, Larry, that might make
20 sense, and sort of going to what I think your point might
21 have been, is that perhaps we could agree in advance to
22 segregate the switchyard portion of the case to a
23 particular predetermined slot in the hearing schedule such
24 that you wouldn't have to be there for the whole three
25 days, if it takes three days.

1 Because my expectation would be that that
2 application will consume very little time proportionate to
3 the rest of the hearing for the switchyard and the simple
4 loop-in transmission line.

5 CHMN. FOREMAN: Let me raise something with you
6 also. In the hearing that we had on Monday, counsel
7 prepared in advance question-and-answer testimony from his
8 witnesses. It was Michael Grant on the Southwest. It was
9 a very simple case. He had a few pages of questions and
10 answers about the project giving the basics in it. He put
11 his witnesses -- had his witnesses sworn or had them take
12 their affirmations and said, "If you were asked these
13 questions, would you give these answers?" They said,
14 "Yes."

15 The testimony was previously circulated to the
16 committee members so that they could look at it, and they
17 were able to page through, find points of particular
18 interest to them, and I think the impact of the testimony
19 might have been better. It seems to me that technique
20 would be best used with a witness that's relatively short,
21 where the testimony was relatively short and direct.

22 But especially if you had a significant level of
23 technical information that was going to be a part of the
24 testimony, having it in writing so that the committee
25 members would be able to access it and look at it, made

1 it, I think, a little better for them. And then, of
2 course, the transcript was just made an exhibit, put in
3 their notebook, and they were able to make reference to it
4 and draw marks on it and so on.

5 It seems to me that one notebook for the two of
6 you is appropriate, and then just have your binder have
7 exhibit numbers in it, and then you can put the stuff in
8 it. And you can put -- everybody seems to be using the
9 application as Exhibit 1, and that makes a lot of sense,
10 and you can just put a placeholder in there saying
11 Exhibit 1 is the application. And we can make sure that
12 all of the concerns about the tidiness of the record can
13 be addressed in that way.

14 MR. MOYES: Well, what Mr. Grant did sounds like
15 sort of the next step on what has become the common
16 process of putting a PowerPoint slide and having the
17 slides available for the committee in advance. But I
18 think that the prefiling of testimony would help speed
19 things up on some components of this where we would not
20 expect, you know, either controversy or lots of question.
21 They're pretty straightforward. You know, they are what
22 they are.

23 CHMN. FOREMAN: Again, I think it's better
24 that -- the prefiled testimony is better for a witness
25 that has relatively little to present. The longer the

1 testimony, the more I think a PowerPoint presentation that
2 highlights is better. Because the actual written material
3 that's provided to the person who is trying to digest the
4 material is reduced, and that helps digestion. So I just
5 throw those out and you can make use of those as you will.

6 MR. MOYES: Thank you for that suggestion.

7 CHMN. FOREMAN: Anything else that we have to
8 address here today?

9 MR. MOYES: Nothing that I have.

10 CHMN. FOREMAN: Great. We'll look forward to
11 hearing from you about dates. And remember, we'll need a
12 date a week to 10 days in advance for a final prehearing
13 conference to make sure that everything is under control.

14 All right. Very good.

15 (The Prefiling Meeting concluded at 3:20 p.m.)

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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)
3

4 I, MICHELE E. BALMER, Certified Reporter
5 No. 50489 for the State of Arizona, do hereby certify that
6 the foregoing printed pages constitute a full, true and
7 accurate transcript of the proceedings had in the
8 foregoing matter, all done to the best of my skill and
9 ability.

10

11 WITNESS my hand this 17th day of May, 2009.

12

13

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Michele E. Balmer

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MICHELE E. BALMER
Certified Reporter
Certificate No. 50489

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Agua Caliente Solar Project

**Line Siting Committee
Case Nos. 145 & 146**

L-00000JJ-09-0279-00145, et al.

**Prefiling Meeting
May 14, 2009**

Exhibit No. 1

Reduced version provided



EXHIBIT
/
ADMITTED

ODD
PHOTOGRAPHY

BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF [name of applicant], IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF [name of project], LOCATED [location of project] IN [name of county] COUNTY, ARIZONA.

) Arizona Corporation Commission
)
) Docket No. L-00000[docket number]
)
) Case No. [case number]
)
)
)

[Draft]

PROCEDURAL ORDER

An application for a Certificate of Environmental Compatibility was filed in the above captioned matter with docket control of the Arizona Corporation Commission ("Commission") on [date of filing]. A copy of the application was transmitted to John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order,

IT IS ORDERED:

1. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time of the pre-hearing conference scheduled below if they disagree that the time limit for decision on the application by the Line Siting Committee set by A.R.S. § 40.360.04(D) is [date approximately 180 days after filing].
2. The Applicant shall arrange for the publication and posting of notice of the evidentiary hearing as agreed to at a pre-application hearing involving the Applicant and all known potential intervenors, in a form approved by the Chairman and circulated for approval as to form to all known potential interested parties. In addition, the Applicant shall submit a copy of the notice and present testimony describing the publication and posting of the notice at the evidentiary hearing.
3. The Applicant shall make arrangements for the evidentiary hearing to be held at [location of the evidentiary hearing], Arizona, beginning at 9:30 a.m. on [beginning date of hearing], and continuing on [continuing date(s)] of the

1 evidentiary hearing] at 9:30 a.m. In addition, the Applicant shall make
2 arrangements for a public comment session to be held at the same venue
3 starting at 6:00 p.m. on [date of public comment session]. The Applicant shall
4 make arrangements for further regular sessions on [potential future dates of the
5 evidentiary hearing], and, if needed, additional public comment sessions on
6 dates and at times to be determined later.

- 7
- 8 4. The Applicant shall contact Michael Kearns, Chief Finance Officer of the
9 Commission (602-542-3931) and advise him of the Applicant's position
10 concerning reimbursement of the Line Siting Fund should the expenses of the
11 hearings exceed the application fee and to discuss financial arrangements
12 regarding hotel reservations and other expenses of the Line Siting Committee
13 Members. A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the
14 results of these discussions so the necessary information may be communicated
15 to the Line Siting Committee Members.
- 16 5. The Applicant and all other potential parties ("persons" within the meaning of
17 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
18 A.R.S. § 40-360.05(A)) shall meet and confer on or before the beginning of the
19 evidentiary hearing to determine whether any of the intervening parties have
20 similar interests in the application process that will allow them jointly to present
21 testimony on direct or cross-examination of witnesses or jointly to offer exhibits
22 into evidence. The Applicant shall, and any other potential party may, report to
23 the Chairman the results of the attempts of the parties to resolve the issues and
24 to determine if common interests exist that will allow parties to jointly present
25 evidence and argument or to avoid repetition of testimony and argument at the
26 hearing.
6. The parties and any other potential parties ("persons" within the meaning of
A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line
Siting Committee about any procedural matters or any factual issues or legal
issues relating to the Application while the Application is pending before the Line
Siting Committee. The only exception is the parties may communicate with the
Chairman during the time the Application is pending about procedural matters
relating to the preparation of the Application for hearing, the hearing on the
Application and the decision on the Application by the Line Siting Committee.
Communication of the parties with the Chairman about any procedural matters
during the time an Application is pending shall be in writing with a copy of the
writing to all parties or known potential parties ("persons" within the meaning of
A.R.S. § 40-360(8) who have expressed an intention to intervene or request to
intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-
application hearing, at a procedural hearing or at the hearing on the application.
Any party who initiates any written communication sent to the Chairman shall file
with docket control of the Commission a copy of the communication including its
distribution list within 10 days of sending the communication.

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7. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall submit at least forty-eight hours before the hearing or meeting described in the agenda any objections, additions or corrections to the agenda in order to bring the agenda into compliance with A.R.S. § 38-431.02 in writing to the Chairman, serve a copy upon all other parties and file a copy with docket control of the Commission.
8. In addition, all parties shall meet and confer as needed before, during and after the hearing to attempt to resolve any disputes amongst the parties. The parties also shall keep all other parties advised of their positions and intentions with regard to the presentation of evidence, witnesses and the application process in general to avoid delay, the presentation of repetitive evidence and any unfair advantage from surprise.
9. All parties shall prepare brief summaries of the expected direct testimony of each witness they will call. In lieu of a testimonial summary, a party may pre-file and exchange all or substantially all of the direct testimony of any witness. Testimonial summaries and pre-filed testimony should be filed no later than the last pre-hearing conference or three business days before the witness is to testify, whichever is later. Except for good cause, no witness will be allowed to testify on direct examination concerning issues not reasonably identified in the pre-filed testimony or testimonial summary.
10. All parties shall meet, confer and exchange all exhibits the party plans to offer in evidence before the hearing or before they are referred to in testimony or offered in evidence. The Applicant shall, and other parties may, provide one or more three ring binders for the Chairman and each member of the Line Siting Committee to hold exhibits at the beginning of the hearing and as needed during the hearing. Each party shall prepare a numbered list of the exhibits and a copy of all exhibits suitable for placement in the binders that have been exchanged with the other parties that each party expects to offer in evidence at the hearing for the Chairman and each Line Siting Committee member. The exhibits shall be provided at the beginning of the hearing and during the hearing before reference to the exhibit is made in the hearing. Except for good cause, no exhibit that was not exchanged with the other parties shall be considered at the hearing. Any exhibit to which reference is made during any hearing that is not offered or admitted into evidence shall be provided to the court reporter at the evidentiary hearing for inclusion in the record unless it is withdrawn and the Chairman determines its filing is not necessary to an understanding of the actions of the Committee.
11. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated: A-1, A-2, etc. Each intervening party will be assigned by the Chairman a letter or letters of the alphabet as a preface with which to

consecutively number its exhibits. For example, the Commission Staff will number its exhibits: CC-1, CC-2, etc.

12. The Applicant may make an opening statement at the beginning of the hearing of no more than thirty minutes. Each other party may make an opening statement of no more than five minutes.
13. Public comment will be heard after the opening statements and at other times set by the Chairman during the hearing. See ¶ 3, above.
14. In the event the Chairman determines that a tour is appropriate, the Applicant shall arrange for transportation of any Committee Members who wish to attend a tour of the locations where facilities proposed in the application or similar facilities are located. The Applicant shall submit to the Chairman, for approval in advance of the hearing, a schedule and protocol agreed to by all parties for the tour. If all parties do not agree upon the schedule and protocol for the tour, the disagreements shall be submitted to the Chairman for resolution. The protocol shall identify the tour route, identify the location of any stops, and identify any witnesses who will accompany the tour. Counsel may ask brief explanatory questions of the identified witness or witnesses during the stops about the location, what can be seen from the location of the stop and the relevance of the location or view to the Application in the discretion of the Chairman. All witnesses who testify on the tour shall be sworn before their testimony. All questions and answers shall be before a court reporter. No testimony or discussion with or between Committee Members about the Application or matters relating to the Application will take place, except on the record before a court reporter at the designated stops. The protocol shall provide for access to any testimony presented at stops on a tour to members of the public. Members of the public who wish to attend the tour shall be encouraged to notify the parties or the appropriate staff of Arizona Corporation Commission in advance of their intention to attend.
15. Parties may present their witnesses in panels where appropriate. A party that intends to present witnesses in panels shall identify the members of any panel at the time it files its witness summaries.
16. The Applicant shall make arrangements for the preparation of expedited court reporter transcripts of all pre-application hearings, pre-hearing procedural hearings and the evidentiary hearing, so that the transcripts are available for public inspection within three working days after each hearing date, as required by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a certification with Commission docket control that it has provided a copy of the transcripts to at least two public libraries identified in the certification that are in the vicinity of the application.

17. On or before the final pre-hearing procedural hearing set below, the Applicant shall, and the other parties may, file proposed findings of fact, proposed conclusions of law, the wording of any proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate.

18. If the beginning of closing arguments and the Line Siting Committee's deliberations are more than one week after the beginning of the hearing, the parties shall meet and confer after the hearing begins and before closing arguments concerning proposed findings of fact, proposed conclusions of law, a proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate. If the parties are able to agree upon part or all of the proposed findings of fact, proposed conclusions of law, proposed forms of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate, all that is agreed upon should be reduced to writing and filed with Commission docket control. If the parties are not able to agree completely, the Applicant shall, and all other parties may, file proposed findings of fact, proposed conclusions of law, proposed wording of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate on the day before the beginning of closing arguments and the Line Siting Committee's deliberations. If the Applicant or any other party proposes conditions based upon conditions used in prior cases, each proposed condition from a prior case shall contain the case number of the most recent prior Certificate of Environmental Compatibility using the language approved by the Commission.

19. All witness summaries, proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions of Certificates, shall be filed with Commission docket control pursuant to A.A.C. R14-3-204 and -205. If any documents that are filed are hand delivered during the hearing, eleven copies shall be submitted to the Chairman for distribution to the other Committee Members.

20. Within five business days after the hearing concludes and the Committee renders its decision, the parties shall meet and confer in person or electronically to determine if they can agree upon the final wording of a proposed Certificate of Environmental Compatibility. If the parties can agree upon the final wording of a proposed Certificate of Environmental Compatibility, Applicant shall file forthwith the agreed upon proposed Certificate of Environmental Compatibility. If the parties are not able to agree upon a proposed form of Certificate of Environmental Compatibility, the Applicant shall file, and the other parties may file, within ten days after the date of the decision of the Committee, those portions of the proposed Certificate of Environmental Compatibility upon which the parties agree. The Applicant also shall file, and any other party also may file, its understanding of any disputed portions of the proposed Certificate of Environmental Compatibility. All proposed forms of the Certificate of

1 Environmental Compatibility and any objections or proposed revisions shall be
2 filed with docket control of the Commission and a copy shall be hand delivered to
3 the office of the Chairman at 1275 W. Washington, Phoenix, Arizona. Objections
4 or suggestions that are not timely filed shall be considered waived. The copy of
5 the proposed Certificate of Environmental Compatibility filed by the Applicant and
6 any proposed revisions filed by the parties served upon the Chairman shall
7 include an electronic file containing the wording of the proposed language in a
8 format compatible with Microsoft® Word word processing program.

9 21. The Applicant and all other potential parties ("persons" within the meaning of
10 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
11 A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing
12 conference on [date of final pre-hearing conference], at [time of pre-hearing
13 conference] at the offices of the Attorney General of Arizona at 1275 W.
14 Washington, Phoenix, Arizona. Parties may appear by telephone with the prior
15 permission of the Chairman. At the final pre-hearing conference, the Chairman
16 will review with the parties:

- 17 a. The publication and posting of notices of the hearing;
- 18 b. The proposed agenda for the evidentiary hearing;
- 19 c. Any notices to intervene, applications to intervene, and applications to
20 make a limited appearance;
- 21 d. The status of attempts to narrow the issues at the evidentiary hearing or to
22 agree to language in the proposed findings of fact, proposed conclusions
23 of law, proposed Certificates of Environmental Compatibility and proposed
24 conditions to the Certificate;
- 25 e. The status of the filing and exchange of witness summaries or written
26 testimony, proposed findings of fact, proposed conclusions of law,
proposed Certificates of Environmental Compatibility and proposed
conditions to the Certificate;
- f. The status of the exchange of exhibits amongst the parties;
- g. Any objections, motions, responses and legal memoranda that have been
filed;
- h. Plans and preparations for the hearing, public comment session, and tour
of the proposed site.

21 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
22 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
23 conference or at a hearing.

DATED:

John Foreman
Assistant Attorney General
Chairman
Arizona Power Plant and Transmission
Line Siting Committee
john.foreman@azag.gov

Pursuant to A.A.C. R14-3-204,
The Original and 25 copies were
filed [date] with:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Copy of the above mailed this
[date] to:

[parties and counsel]

#426841



CONDITIONS

This Certificate is granted upon the following conditions:

1. The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction necessary to construct the Project.
2. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction during the construction and operation of the transmission line [power plant].
3. If any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during the construction or operation of the transmission line [power plant], the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery. A.R.S. § 41-844.
4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the transmission line [power

plant], the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum. A.R.S. § 41-865.

5. The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent feasible, minimize the destruction of native plants during the construction and operation of the transmission line [power plant].
6. The Applicant shall not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Commission. Any assignment of this Certificate shall require the assignee to assume all responsibilities of the Applicant listed in this Certificate.
7. This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Commission unless the transmission line [power plant] is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.
8. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project corridor [location], all persons who made public comment at this proceeding, and all parties to this proceeding of the request and the time and place of the hearing in which the Commission will consider the request for extension.

9. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.

10. Within 120 days of the Commission decision granting this Certificate, Applicant will post signs in public rights-of-way giving notice of the Project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:

- (a) That the site has been approved for the construction of Project facilities;
- (b) The expected date of completion of the Project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;
- (e) The name of the Applicant; and
- (f) The website of the Project.

11. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
12. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for transmission line structures.
13. Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way particularly in drainage channels and along stream banks, and shall re-vegetate, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicant's plans for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. The Applicant shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicant makes use of existing roads.
14. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.
15. The Applicant shall provide copies of this Certificate to [all affected governmental entities, e.g., affected cities and counties, the Arizona State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department].

16. Prior to the date construction commences on this Project, the Applicant shall provide known homebuilders and developers within one mile of the center line of the Certificated route [power plant] the identity, location, and a pictorial depiction of the type of power line [plant] being constructed, accompanied by a written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.

17. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:

(a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff reports of studies performed; and

(b) Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicant shall provide a copy of this study to Commission Staff.

18. Applicant will follow the latest Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.
19. The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to the Docket Control of the Arizona Corporation Commission on December 1 beginning in 2009. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.
20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.
21. The Applicant shall expeditiously pursue reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Certificate incorporates the following findings of fact and conclusions of law:

1. The Project is in the public interest because it aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC by the Committee resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.